

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Genuine Truth Banner,)	Case No.: 6:24-cv-06053-JD-KFM
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Felicia McKie,)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 8.) Plaintiff Genuine Truth Banner (“Plaintiff” or “Banner”), proceeding *pro se* and *in forma pauperis*, sues Defendant Felicia McKie (“Defendant”), under 42 U.S.C. § 1983, alleging violations of his constitutional rights. Plaintiff contends that Defendant’s actions violated his First Amendment rights because she lied about his attempts to exhaust his administrative remedies stemming from an alleged assault by SCDC employees that occurred in 2020. (DE 1 at 6-8.)

The Report was issued on November 13, 2024, recommending that Plaintiff’s Motion to Proceed In Forma Pauperis be denied. (DE 8.) Plaintiff did not object to the

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 8) and incorporates it here by reference.

It is, therefore, **ORDERED** that Plaintiff’s Motion to Proceed In Forma Pauperis is denied. It is further ordered that Plaintiff has twenty-one (21) days to pay the filing fee of \$405.00 or Plaintiff’s case will be dismissed without further order of this Court.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is fluid and cursive, with the last name "Dawson" being more prominent.

Joseph Dawson, III
United States District Judge

Florence, South Carolina
December 27, 2024

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order within thirty (30) days from this date under Rules 3 and 4 of the Federal Rules of Appellate Procedure.